

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHIRLYN SUMMERS, as Mother and Natural Guardian
of Infant, D.B. and SHIRLYN SUMMERS, Individually,

Plaintiffs,

Docket No.:

NOTICE OF REMOVAL

-against-

LONG BEACH CITY SCHOOL DISTRICT a/k/a LONG
BEACH PUBLIC SCHOOLS, LISA WEITZMAN, JEAN
MARIE LILLEY, LAUREN SCHNEIDER, SABRINA
CANTORE, VINCENT RUSSO, DR. RANDI BERGER,
DR. MICHELE NATALI, DAVID WEISS, in their
Individual and Official Capacities and JOHN AND JANE
DOE'S 1-20, whose identities are unknown at present,

Defendants.
-----X

PLEASE TAKE NOTICE that Defendants, **LONG BEACH CITY SCHOOL DISTRICT a/k/a LONG BEACH PUBLIC SCHOOLS, SABRINA CANTORE, VINCENT RUSSO, DR. RANDI BERGER, DR. MICHELE NATALI, DAVID WEISS, in their Individual and Official Capacities**, by and through their attorneys, SILVERMAN AND ASSOCIATES, hereby remove this action to the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. §§1441 and 1331.

1. This action was commenced against **LONG BEACH CITY SCHOOL DISTRICT a/k/a LONG BEACH PUBLIC SCHOOLS, LISA WEITZMAN, JEAN MARIE LILLEY, LAUREN SCHNEIDER, SABRINA CANTORE, VINCENT RUSSO, DR. RANDI BERGER, DR. MICHELE NATALI, DAVID WEISS, in their Individual and Official Capacities and JOHN AND JANE DOES 1-20, whose identities are unknown at present** in the Supreme Court of the State of New York, County of Nassau, by the filing of a Summons and

Verified Complaint with the Clerk of the Court on or about February 24, 2017. See Exhibit “A” attached hereto.

2. The Summons and Verified Complaint seeks damages for Violation of the ADA, 42 U.S.C§ 1983, § 1985, § 1986, and negligence all in violation of state and federal civil rights laws . See Exhibit “A”.

3. The plaintiffs’ claims, therefore, raise a federal question under federal civil rights laws.

4. In addition to the above, this cause of action is one over which this Court has original jurisdiction pursuant to 42 U.S.C. §1983, 42 U.S.C. §1988, in that the plaintiffs are alleging claims arising under a federal statute. By virtue of 28 U.S.C. §1441(a), this cause of action is removable to this Court.

5. The defendants were purportedly served with the Summons and Verified Complaint on or around February 27, 2017. Therefore, the defendants first received sufficient notice that the plaintiffs are asserting claims of federal civil rights and statutory violations and of removability when served on or around February 27,2017.

6. In accordance with 28 U.S.C. §1446(b)(3), this Notice of Removal is filed within 30 days after receipt of the paper from which the defendants could first reasonably ascertain removability.

7. Based upon the facts set forth above, this Notice of Removal is timely under 28 U.S.C. §1446(b)(3).

8. Pursuant to 28 U.S.C. §1446(a), a copy of the Summons and Verified Complaint is attached hereto as Exhibit “A.” This constitutes all process, pleadings or orders served or filed by

the parties in the Supreme Court of the State of New York, and is made a part of this Notice by reference.

9. Defendants will pay all costs (disbursements) by reason of this removal proceeding should it be determined that this case is not removable or is improperly removed.


10. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, and without waiver of any substantial or procedural defenses, the defendants, **LONG BEACH CITY SCHOOL DISTRICT a/k/a LONG BEACH PUBLIC SCHOOLS, SABRINA CANTORE, VINCENT RUSSO, DR. RANDI BERGER, DR. MICHELE NATALI, DAVID WEISS, in their Individual and Official Capacities** request that this Court assume jurisdiction over this action and make such further orders herein as may be required to properly determine its controversy.

Dated: White Plains, New York
March 16, 2017

Respectfully submitted,

SILVERMAN & ASSOCIATES

By: 

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